## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

RANDALL K. WALLS and	§	
MARY WALLS,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	CASE NO. 4:12cv546
	§	Judge Clark/Judge Mazzant
JPMORGAN CHASE BANK,	§	
NATIONAL ASSOCIATION,	§	
SUCCESSOR BY MERGER TO CHASE	§	
HOME FINANCE, LLC,	§	
	§	
Defendant.	§	

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 3, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that JPMorgan Chase Bank, N.A. successor by merger to Chase Home Finance LLC's Motion to Dismiss for Failure to State a Claim [Doc. #10] be granted and the case dismissed with prejudice. On October 8, 2012, plaintiffs filed Plaintiffs' Notice of Dismissal of Complaint [Doc. #12], requesting that the court accept the notice of voluntary dismissal and dismiss this case without prejudice. Defendant filed a Response in Opposition to Plaintiffs' Notice of Dismissal [Doc. #13] on October 17, 2012.

The court, having made a *de novo* review of plaintiffs' notice of dismissal and defendant's response thereto, is of the opinion that the findings and conclusions of the Magistrate Judge are correct; however, the court finds that the case should be dismissed without prejudice.

Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court, in part.

It is, therefore, **ORDERED** that JPMorgan Chase Bank, N.A. successor by merger to Chase Home Finance LLC's Motion to Dismiss for Failure to State a Claim [Doc. #10] is GRANTED in part, and all of plaintiffs' claims are DISMISSED without prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So ORDERED and SIGNED this 11 day of November, 2012.

Ron Clark, United States District Judge

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